

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

NORTHERN NEW JERSEY
ORTHOPAEDIC SPECIALISTS, P.A.,
MARC A. COHEN, M.D., BERGEN
ANESTHESIA & PAIN MANGEMENT;
MICHAEL D. MOST, M.D.; a/s/o E.C.,

Plaintiffs,

v.

HEALTH NET OF NEW JERSEY, INC.;
ABC CORP. (1-10)(Said names being
fictitious and unknown entities),

Defendants.

CIVIL ACTION NO.: 12-06257-SRC-CLW

**CERTIFICATION OF EDWARD R. MUEHLBAUER IN SUPPORT OF HEALTH NET
OF NEW JERSEY, INC.'S MOTION FOR SUMMARY JUDGMENT**

I, Edward R. Muehlbauer, of full age, hereby certifies as follows:

1. I am an employee of Health Net of California, Inc. ("Health Net") and as such have knowledge of the facts contained herein.

2. The statements below are based upon my review of the claim records maintained in the ordinary course of business of Health Net of New Jersey, Inc., (HNNJ) and upon my experience in the payment of claims gained through my employment with Health Net as the Director of Claims. This certification is offered to certify facts in support of HNNJ's motion for summary judgment.

3. Plaintiff Northern NJ Ortho submitted claims for "neurology procedures" for date of service February 2, 2010, in the amount of \$2,176 for patient E.C. HNNJ erroneously made payment on the claim in the amount of \$2,028.28. As Plaintiff Northern NJ Ortho is a non-

network provider, pursuant to the 2010 Plan in effect for E.C., no payment should have been paid.

4. Plaintiff Bergen Anesthesia submitted claims for "anesthesia services" for date of service February 2, 2010, in the amount of \$4,950 for patient E.C. HNNJ erroneously made payment on the claim in the amount of \$2,923.88. As Plaintiff Bergen Anesthesia was a non-network provider, pursuant to the 2010 Plan for E.C., no payment should have been made.

5. HNNJ responded to Bergen Anesthesia's appeal for the date of service February 2, 2010. HNNJ erroneously affirmed its benefit determination in claiming that the payment made was correct pursuant to the terms of the Plan. Pursuant to the 2010 Plan for E.C., no payment should have been made on the claim submitted by Plaintiff Bergen Anesthesia for date of service February 2, 2010. The 2010 Plan does not provide benefits for services rendered by non-network providers.

6. Neither Plaintiff Northern NJ Ortho, nor Plaintiff Dr. Most submitted any appeals for the services at issue which they rendered.

I certify that the statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to just punishment.

By: Edward R. Muehlbauer
Edward R. Muehlbauer

Dated: August 23, 2013